

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AVADEN LANDMARK, LLC,

Plaintiff,

vs.

PROVADO, INC.,

Defendant.

8:22CV396

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that the parties joint motion to extend is granted. (Filing No. 49). The final progression order is amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference set for April 9, 2024 will be held as previously scheduled.
- 2) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For Avaden (as Plaintiff) and
Provado (as Counterclaim Plaintiff): February 19, 2024.

For Provado (as Defendant) and
Avaden (as Counterclaim Defendant): March 20, 2024.

Rebuttal for Avaden (as Plaintiff) and
Provado (as Counterclaim Plaintiff): April 19, 2024.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is May 20, 2024.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deadline for filing motions to dismiss and motions for summary judgment is June 21, 2024.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 21, 2024.
- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) Deadlines not specifically amended by this order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 18th day of December, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge